IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 13960 of 2007(J)

PETITIONER:

VIDYA VIJAYAN, D/O. K.VIJAYAN,
'BIJU NIVAS', MADAN NADA, VADAKKEVILA P.O.,
KOLLAM DISTRICT.

BY ADV. SRI.R.ANILKUMAR

RESPONDENTS:

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1. THE UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM, REP. BY REGISTRAR.

2. THE CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM.

3. THE PRINCIPAL,
KTCT COLLEGE OF TEACHER EDUCATION, KADUVAIL,
THITTAKKADU P.O., TRIVANDRUM.

BY ADV. SRI.M.RAJAGOPALAN NAIR - SC
SRI.B.S.SWATHY KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.13960/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE MARKLIST OBTAINED IN THE FIRST SEMESTER B.ED DEGREE EXAMINATION OF JANUARY, 2006.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.13960 OF 2007

DATED THIS THE 14th DAY OF JUNE, 2007

JUDGMENT

The petitioner is a student of the KTCT College, who was written B.Ed examination in 2006. She is aggrieved by the reduction of her internal marks by the University. According to the petitioner, internal marks cannot be reduced by the University.

2. The learned counsel for the standing counsel appearing for the University submits that in order to standardise the marks of the petitioner, the marks scored in internal assessment has been proportionately reduced on the basis of marks obtained by the petitioner in the university Examination.

3. Identical question was considered by me in W.P.(c) Nos.20563/06,21966/06 and 22479/06, in which I had held as follows:

> "I have considered the contentions of both sides. The University is a creature of the University Act. Their actions are circumscribed by the provisions of the Act, Statutes and Ordinance framed under the Act. Without there being any provision in the Act, Statutes or Ordinance no power can be conceded to the University to reduce the internal marks awarded by the teachers, who had first hand knowledge of the performance of the students during teaching practice, which is the basis for award of internal marks. Therefore, I am afraid that the University cannot under law reduce the marks so awarded. I also feel that just because the particular students have got low

> marks in the theory papers that does not automatically mean that the marks awarded by the college on internal assessment have to be proportionately reduced. The internal marks are awarded not on the basis of the performance of the students in any written examination. This is awarded based on the ability of the students to put the theory in to practice, by observing the students during the teaching practice classes. Elaborate procedure is also prescribed by the University for award of such internal marks in Ext.P2 curriculam for B.Ed course issued for the purpose. That being so, the performance in the theory papers cannot be a yardstick for the purpose of standardisation of internal assessment marks, especially when there is no provision authorising the University to do so. As such, I am satisfied that the University had no right to reduce the internal marks of the petitioners in these writ petitions. Therefore, there would be a direction to respondents 1 and 2 to reconsider the results of the petitioners, review the same taking into account the full internal marks awarded to them by the concerned teachers of their colleges and publish their results afresh by completing the said process. This shall be done within a period of two weeks from the date of receipt of a copy of this judgment."

4. The situation in this case being identical the above decision squarely applies to the present case. Accordingly, I direct respondents 1 and 2 to reconsider the results of the petitioner, review the same taking into account the full internal marks awarded to him by the concerned teachers of her College and publish her results afresh by completing the said process. This shall be done

within a period of two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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